

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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GEORGE GASSER, et al.,

Plaintiffs,

MEMORANDUM AND ORDER

-against-

03-CV-6413 (ILG)

INFANTI INTERNATIONAL, INC., et al.,

Defendants.
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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is a dispute between plaintiffs and defendant George Scharpf as to the location of his deposition. Plaintiffs noticed the deposition to be conducted at plaintiffs' counsel's office in Manhattan; after initially agreeing to that location, Scharpf now objects and asks that the Court order plaintiffs' counsel to conduct the deposition at Scharpf's office in Old Bridge, Middlesex County, New Jersey, some 40 miles away.

Both parties mistakenly assert that this Court previously ruled that Scharpf's earlier deposition would take place in New Jersey. The Court has no recollection of any such ruling, and has found no such order in the record. Rather, the parties apparently agreed to conduct Scharpf's earlier deposition in New Jersey, but could not agree on the location of plaintiffs' deposition of Amboy National Bank employee Dominick Margiotta. See Letters to the Court dated June 22, 2005 and June 23, 2005. Although the Court ruled that Mr. Margiotta's deposition would take place in New Jersey (see 6/23/05 Calendar Order), there had been no agreement among counsel that Margiotta's deposition would be conducted at plaintiffs' counsel's office. In contrast, Scharpf's attorney did agree that tomorrow's deposition would be conducted in New York City, and plaintiffs' counsel was entitled to and did in fact rely on that

agreement. Moreover, Scharpf has advised the Court that he will be appearing as a Rule 30(b)(6) witness on behalf of EKI, LLC, a Staten Island corporation. In these circumstances, Scharpf is directed to appear for his deposition(s) at plaintiffs' counsel's office tomorrow.

SO ORDERED.

**Dated: Brooklyn, New York
April 26, 2006**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**